

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**BATES-COOPER SLOAN FUNERAL  
HOME, LLP and C.R.C PARTNERSHIP,**

Plaintiffs,

V.

WEST AMERICAN INSURANCE  
COMPANY, *ET AL.*,

Defendants.

## ORDER

Before the Court is Plaintiffs' Opposed Motion to Remand. Docket No. 11. Defendants removed this action from state court and the case was referred to United States Magistrate Judge Boone Baxter in accordance with 28 U.S.C. § 636. Docket No. 1. Plaintiffs seek to remand the case back to state court, arguing that there is not complete diversity among all parties. Docket No. 11. The Magistrate Judge issued a Report recommending that Plaintiffs' claims against SB Insurance, an improper party joined solely to destroy diversity, be dismissed and that Plaintiffs' motion to remand be denied. *See* Docket No. 14.

Because no objections have been received, Plaintiffs are barred from *de novo* review by the District Judge of the Magistrate Judge’s proposed findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at \*1 (E.D. Tex. July 31, 2021).


The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge.

Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

**ORDERED** that the Report of the Magistrate Judge is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that the Plaintiffs' Opposed Motion to Remand (Docket No. 11) is **DENIED**. Plaintiffs' claims against Defendant SB Insurance, LLC d/b/a Jones Insurance Agency are **DISMISSED WITHOUT PREJUDICE**. The Clerk is **ORDERED** to terminate Defendant SB Insurance from the case.

**So ORDERED and SIGNED this 15th day of April, 2024.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE